

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55366 of 2021

Arising Out of PS. Case No.-55 Year-2021 Thana- MANPUR District- Nalanda

1. Siyasharan Prasad @ Siyasharan Yadav Son Of Late Ramjee Yadav Resident Of Village- Bahuara, P.S.- Manpur, District- Nalanda
2. Damodar Prasad Son Of Late Dipu Prasad Resident Of Village- Bahuara, P.S.- Manpur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-04-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Manpur P.S.Case No. 55 of 2021 for the offences punishable under Sections 25(1-b) a, 26/35 of the Arms Act and 379/34 of the Indian Penal Code and 8/20 (b) 9ii) (c) 25/29 of the N.D.P.S. Act.

As per the prosecution case, it is alleged that on a secret information received by the police that there is fight between two groups of village Bahuara for sand excavation, for



which Manpur P.S.Case No. 54 of 2021, was registered and there was tension prevailing between two groups, who had collected illegal arms, the police raided the house of suspects. It is alleged that from the house of petitioner no. 1, one country made rifle and two live cartridges and from the house of petitioner no. 2 one country made rifle and three live cartridges were recovered.

Learned counsel for the petitioners submits that petitioners were not accused in Manpur P.S.Case No. 54 of 2021 further, there is no allegation, whatsoever, with regard to excavation of sand and recovery of any material under N.D.P.S Act from the house of the these petitioners. There is specific allegation of recovery of 500 gm Ganja from the house of Sundar Yadav. It is next submitted that these petitioners are aged about 66 years and 61 years respectively and they are in custody since 12.04.2021. Apart from the fact that investigation has already concluded and charge sheet has been submitted.

The learned A.P.P opposed the prayer for bail of the petitioners and submits that rifles and cartridges were recovered from the house of the petitioners.

Having heard the rival contentions of the parties and taking into consideration the fact that the petitioners are aged



about 66 years and 61 years respectively and the recovery has been made from the house of the petitioners ,which are said to be joint family house and these petitioners having no criminal antecedent are in custody since 12.04.2021, moreover, one co-accused person namely, Brijnandan Yadav @ Brij Yadav has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 48781 of 2021 vide order dated 08.04.2022, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand)each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge, Biharsharif, Nalanda in connection with Manpur P.S.Case No. 55 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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